

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	10-00343-01-CR-W-DW
LEONARD V. JENKINS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on June 15, 2011. Defendant Jenkins appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorneys Gene Porter and Teresa Moore.

I. BACKGROUND

On February 9, 2011, a superseding indictment was returned charging Defendant with one count of unlawfully delaying, destroying or opening of mail by a postal service employee, in violation of 18 U.S.C. § 1703(a), and one count of unlawfully delaying, destroying or opening of mail by a postal service employee, in violation of 18 U.S.C. § 1703(b).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Porter announced that he and Ms. Moore will be the trial counsel for the government. The case agents to be seated at counsel table are Special Agents Jeff Cooper and Paul Shade, Postal

Inspector General's Office.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Jenkins. Alan Bush will assist.

III. OUTSTANDING MOTIONS

The following motions are currently pending:

- Motion in Limine Based on FRE 609 to Prohibit Use of Criminal History for Impeachment Purposes (Doc. No. 23), *filed* May 17, 2011;
- Motion in Limine Regarding Self-Serving Hearsay (Doc. No. 30), *filed* June 3, 2011;
- Motion in Limine to Exclude Evidence of Employee Evaluations (Doc. No. 31), *filed* June 3, 2011; and
- Emergency Motion to Quash Order Granting Defense Motion for Rule 17 Subpoena (Doc. No. 38), *filed* June 13, 2011.

IV. TRIAL WITNESSES

Mr. Porter announced that the government intends to call eleven witnesses.

Ms. Holloman-Hughes announced that Defendant Jenkins intends to call three witnesses during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Porter announced that the government will offer approximately fifteen exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Jenkins will offer approximately six exhibits in evidence during the trial.

VI. DEFENSES

Ms. Holloman-Hughes announced that Defendant Jenkins will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Holloman-Hughes stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are not likely.

IX. TRIAL TIME

Counsel were in agreement that this case will take two to three days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 16, 2010, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by June 15, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, June 22, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, June 22, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by June 24, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XI. UNUSUAL QUESTIONS OF LAW

There are no unusual questions of law. Additional motions in limine are expected on the government's power point presentation and enhanced video.

XII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on June 27, 2011. The parties request the first week of the trial docket because there are conflicts the second week.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
June 15, 2011

cc: Mr. Kevin Lyon